

EXPRESS MAIL LABEL NO.: EV 464 236 654 US

October 12, 2004

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371

ATTORNEY'S DOCKET NUMBER: Swan Case 803

U.S. APPLICATION NO.

Confirmation No.: Unknown

(If known, see 37 CFR 1.5): Unknown

INTERNATIONAL APPLICATION NO.: PCT/JP03/03098 INTERNATIONAL FILING DATE: March 14, 2003

PRIORITY DATE CLAIMED: April 12, 2002

TITLE OF INVENTION: EAR PAD AND EARPHONE WITH THE PAD

APPLICANT FOR DO/EO/US: Shinji SETO

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☒ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is attached hereto (required only if not transmitted by the International Bureau).
 - b. ☒ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☒ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821-1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information:
 - Formal Drawings (4 sheets)
 - Amendment Before First Office Action with Amendment Transmittal
 - Form PCT/IB/308 – Notice Informing Applicant of Communication of International Application to Designated Offices
 - Form PCT/IB/332 – Information Concerning Elected Offices Notified of Their Election
 - WIPO Document – WO 03/088706
 - Postal Card

U.S. APPLICATION NO.
(if known, see 37 CFR 1.5):
Unknown

INTERNATIONAL APPLICATION NO.:
PCT/JP03/03098

ATTORNEY'S DOCKET NUMBER:
Swan Case 803

10/511030

21. [X] The following fees are submitted:

Calculations PTO USE ONLY

BASIC NATIONAL FEE (37 CFR 1.492(a)(1)-(5)):

Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO	\$1110.00
International preliminary examination fee (37CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO	\$ 950.00
International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO	\$ 790.00
International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4)	\$ 750.00
International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4)	\$ 100.00
ENTER APPROPRIATE BASIC FEE AMOUNT =	\$950.00

Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).

\$

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	
Total claims	9 - 20 =	0	X \$ 18.00	\$
Ind. claims	1 - 3 =	0	X \$ 88.00	\$
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$300.00	\$
TOTAL OF ABOVE CALCULATIONS			=	\$950.00

[X] Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.

SUBTOTAL

- \$475.00
= \$475.00

Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).

+ \$
= \$475.00

TOTAL NATIONAL FEE

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property

+ \$
= \$475.00

TOTAL FEES ENCLOSED

Amount to be refunded: \$
charged: \$

a. [X] A check in the amount of \$475.00 to cover the above fees is enclosed.

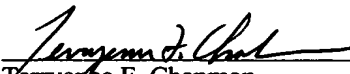
b. [] Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.

c. [X] The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 06-1382. A duplicate copy of this sheet is enclosed.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

IN DUPLICATE

PLEASE DIRECT CORRESPONDENCE TO THE ADDRESS ASSOCIATED WITH THE FOLLOWING CUSTOMER NUMBER: 23474


Terryence F. Chapman
Registration Number: 32 549
TFC/smd

FLYNN, THIEL, BOUTELL & TANIS, P.C.
2026 Rambling Road
Kalamazoo, Michigan 49008-1631

IN THE U.S. PATENT AND TRADEMARK OFFICE

October 12, 2004

Applicant : Shinji SETO
Title : EAR PAD AND EARPHONE WITH THE PAD
Serial No. : Unknown Group: Unknown
Confirmation No.: Unknown
Filed : Unknown Examiner: Unknown
International Application No.: PCT/JP03/03098
International Filing Date : March 14, 2003
Atty. Docket No.: Swan Case 803
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Herewith is an amendment in the above-identified application.

[X] Applicant claims small entity status. See 37 CFR 1.27.

[] The additional filing fee has been calculated as shown below:

For	No. Filed	No. Extra	() LG Entity	RATE	(X) SM Entity	Fee
Basic Fee				\$790.00	\$395.00	\$
Total Claims	(8 - 20 = 0)		x \$ 18.00		x \$ 9.00	
Indep. Claims	(1 - 3 = 0)		x \$ 88.00		x \$ 44.00	
[] Multiple Dep. Claim			+ \$300.00		+ \$150.00	
* * * TOTAL FILING FEE * * *						\$ 0.00


[] Pursuant to 37 CFR 1.136(a), please extend the shortened period for response by month(s). The extension fee is: \$.

[] A Check for \$ is enclosed to cover fees.

[X] Please credit any overpayment, or charge any additional filing fee required under 37 CFR 1.16 or 1.17 by this communication, to Deposit Account No. 06-1382. A duplicate copy of this sheet is enclosed.

IN DUPLICATE

TFC/smd


Terryence F. Chapman Reg. No. 32 549

10/511030

PATENT APPLICATION

DT03 Rec'd PCT/PTO 12 OCT 2004

Express Mail Label No.: EV 464 236 654 US

Date of Mailing: October 12, 2004

Applicant : Shinji SETO

For : EAR PAD AND EARPHONE WITH THE PAD

PCT International Application No.: PCT/JP03/03098

PCT International Filing Date: March 14, 2003

U.S. Application No.

(if known, see 37 CFR 1.5): Unknown

Atty. Docket No.: Swan Case 803

Mail Stop PCT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

EXPRESS MAILING CERTIFICATE

Sir:

I hereby certify that the attached paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

FLYNN, THIEL, BOUTELL & TANIS, P.C.

By:

Mia Skipper

Date:

10/12/04

Documents attached: Nationalized PCT Application
Transmittal dated October 12, 2004
including enclosures listed thereon

Telephone: (269) 381-1156

391.05/03